

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, :
 :
 v. : CIVIL ACTION NO.2:06cv116-MEF
 :
 FIVE HUNDRED FORTY-THREE :
 THOUSAND ONE HUNDRED NINETY :
 DOLLARS (\$543,190.00) :
 IN UNITED STATES CURRENCY, :
 :
 DEFENDANT. :

UNITED STATES OF AMERICA'S MOTION FOR SUMMARY JUDGMENT

The United States of America (United States), by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby submits its Motion For Summary Judgment on the following grounds:

1. The Defendant currency was exchanged for controlled substances and represents proceeds of trafficking in controlled substances and was used or intended to be used in a manner to facilitate the commission of a violation of 21 U.S.C. §§ 801 et seq.

2. There is no genuine issue of material fact, and the United States is entitled to summary judgment as a matter of law on the claim of Enrique Alcaraz-Barajas. Accordingly, his interest in the Defendant currency is forfeited to the United States.

3. The Motion for Summary Judgment of the United States of America is based upon the Verified Complaint for Forfeiture In Rem,

Notice of Claim of Enrique Alcaraz-Barajas, the pleadings, and a Brief and Memorandum of Law.

WHEREFORE PREMISES CONSIDERED, the United States moves that summary judgment be granted in its favor against the Claimant, and that the relief requested in the Verified Complaint for Forfeiture In Rem be awarded against the interest of the Claimant.

Respectfully submitted this 23rd day of April, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/ John T. Harmon
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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Bruce Maddox.

/s/ John T. Harmon

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